

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

David Lewis, et al.)
10/657,759)) Art Unit
September 8, 2003))
48924-01030))
MEDICINAL AEROSOL SOLUTION FORMULATION PRODUCTS WITH IMPROVED CHEMICAL STABILITY)))
))
Not Yet Assigned)))
	10/657,759 September 8, 2003 48924-01030 MEDICINAL AEROSOL SOLUTION FORMULATION PRODUCTS WITH IMPROVED CHEMICAL STABILITY

CERTIFICATE OF EXPRESS MAIL

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

I hereby certify that the below listed documents are being deposited with the United States Postal Service, Express Mail EV 300736765 US under 37 CFR 1.10 in an envelope addressed to: The Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450.

- 1. Information Disclosure Statement
- 2. Form PTO/SB/08A
- 3. Copies of the following Foreign patents: WO 00/30608 A1; WO 00/78286 A1; WO 99/55600
- 4. Return Receipt Postcard

Dated this ______day of December, 2003.

Nancy Flannigan

Holme Roberts & Owen LLP 299 South Main Street, Suite 1800

Salt Lake City, Utah 84111

(801) 521-5800

12/05/03



PATENT APPLICATION Application No. 10/657,759

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:	David Lewis, et al.)
Serial No.:	10/657,759) Art Unit
Filed:	September 8, 2003	,) \
Attorney Docket No.:	48924-01030	,) \
For:	MEDICINAL AEROSOL SOLUTION FORMULATION PRODUCTS WITH IMPROVED CHEMICAL STABILITY	,)))
Confirmation No.		,)
Examiner:	Not Yet Assigned)))

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty to disclose information material to patentability pursuant to 37 C.F.R. 1.56, it is respectfully requested that this Information Disclosure Statement be entered and the documents listed on attached Form PTO/SB/08A be considered by the Examiner and made of record. Copies of references cited in the parent case are not enclosed, nor are any newly cited U.S. Patents or publications; however, copies of Foreign Patents cited in the parent case are enclosed. In accordance with 37 C.F.R. § 1.97(g) and (h), filing of this Information Disclosure Statement is not to be construed as a representation that a search has been made or an admission that the information cited herein is, or is considered to be, material to patentability as defined in

37 C.F.R. § 1.56(b). Further, no representation is made by Applicants herein that no other possible material information as defined in 37 C.F.R. § 1.56(b) exists.

To the extent any additional fees are due in connection with this communication, Applicants request that they be withdrawn from deposit account no. 082665.

Dated this 46 of December, 2003

Respectfully submitted,

David O. Seeley, Reg. No. 30,148

Customer No. 34013

Holme Roberts & Owen LLP

299 South Main Street, Suite 1800

Salt Lake City, Utah 84111

(801) 521-5800

PTO/SB/08A (08-03) Approved for use through 07/31/2006, OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known				
Application Number	10/657.759			
Filing Date				
First Named Inventor	September 8, 2003 David Lewis			
Art Unit				
Examiner Name	Not yet assigned			
Attorney Docket Number	10021 01020			

			U. S. PATENT	DOCUMENTS	
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ^{2 (F known)}	00/00/100/		Figures Appear
	1_	^{us-} 4,271,875	06/09/1981	Philip Meshberg	
	2	^{us.} 4,907,605	03/13/1990	Jon P. Ray	
	3	^{US-} 5,899,201	05/04/1999	Robert K. Schultz	
	4	^{us-} 6,296,156 B1	10/02/2001	Pierre-Andre Lasserre	
		US-			<u> </u>
		US-			

Cite No.1	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages	Π
	Country Code ³ "Number ⁴ "Kind Code ⁵ (if known)	MM-DD-YYYY		Or Relevant Figures Appear	L.
5	WO 00/30608 A1	06/02/2000	David Lewis		
6	WO 00/78286 A1	12/28/2000	Zheng Wu		
7	WO 99/55600	11/04/1999	Todd Alband		L
 					ŀ
					L

Examiner	0	Date	
Signature		Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁸Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.